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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,736	12/11/2003	Erich Kratzmaier	SZY10082P0010US	8400

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
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EXAMINER

BLAKE, CAROLYN T

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,736

Applicant(s)

KRATZMAIER, ERICH

Examiner

Carolyn T Blake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on December 3, 2004 is acknowledged.

Drawings

2. The drawings are objected to because lead lines are not shown in the exploded view. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following:

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- Page 1, line 1: "M t r-driven cutting d vic" should be changed to - - Motor-driven cutting device- -.
- Page 2, line 2: "Obj ct of th invention" should be changed to - - Object of the invention- -.
- Page 2, line 17: "cutting tool is movable relatively to the further cutting tool" should be changed to - -cutting tool is movable relative to the further cutting tool - -.
- Page 3, lines 8-9: "moves relatively to the other cutting tool" should be changed to - -moves relative to the other cutting tool- -.
- In addition, the disclosure is replete with run-on sentences, incorrect comma use, and other grammatical errors. The disclosure should be carefully proofread.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 6, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (3,421,218).

Regarding claim 1, Thompson discloses a device (10) for cutting flat objects, which can be held with the hands (see handle 22) and is provided with: a

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driving motor unit (21) and a cutting tool unit, which at least comprises one cutting tool (18) being movable and drivable by said driving motor unit (21), and at least one further cutting tool (20), wherein said movable cutting tool (18) is movable relative to said further cutting tool (20), wherein the movement of a cutting edge of said movable cutting tool (18) corresponds to a closes pathway surrounding a finite area; wherein said at least one movable cutting tool (18) is held rotatably and displaceable at a bearing axis (82) distant from the cutting edge of said movable cutting tool, and wherein said movable cutting tool (18) is also held at an eccentric (91) located closer to said cutting edge and allowing to drive said movable cutting tool (18).

Regarding claim 2, Thompson discloses the cutting tool unit is detachable from said driving motor unit (21). See col.3, lines 41-43.

Regarding claim 4, Thompson discloses the movable cutting tool (18) in said cutting tool unit is held by means of a balling bearing (91).

Regarding claim 6, the cutting tools (18, 20) are plain and slide along each other with their surfaces.

Regarding claim 8, Thompson discloses the cutting tool unit during operation is transported along said flat object to be cut in consequence of friction between a cutting edge of said at least one movable cutting tool (18) and said flat object.

Regarding claim 10, Thompson discloses the driving motor unit (21) allows for a continuous regulation of velocity by the operator. See the trigger (83).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson as applied to claim 1 above, and further in view of Briskman et al (3,408,875). Thompson fails to disclose a gear unit. However, Briskman et al disclose a gear unit (gear 17, pinion 19, etc.), via which a driving motor unit (16) can actuate the cutting tool unit (11, 12). The gear unit creates the desired torque for the device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a gear unit, as disclosed by Briskman et al, on the Thompson device for the purpose of creating the desired torque.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson as applied to claim 1 above, and further in view of McCullough (4,922,613). Thompson fails to disclose a temperature detection device. However, McCullough discloses a device for cutting flat objects which can be held with the hands that comprises a temperature detection device. The temperature detection device sends a signal that will stop the tool from operating and prevents damage. See col. 13, lines 8-16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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provide a temperature detection device, as disclosed by McCullough, on the Thompson device for the purpose of preventing tool damage.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson as applied to claim 1 above, and further in view of Briskman et al and Stolfa (4,682,416). Thompson fails to disclose a gear unit or the coupling of a common electrical drilling/screwing machine. The Briskman et al device has already been discussed in the rejection to claim 3. Stolfa discloses a device for cutting flat objects comprising a movable blade (10) and a static blade (9), wherein the cutter and gear unit is designed to form a device by coupling to a common electrical drilling/screwing machine serving as a driving unit. See FIG 1. This would reduce the cost of the device because a consumer could supply his or her own drill. Also, this would make the device more portable. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to couple to an electrical drilling/screwing machine, as disclosed by Stolfa, on the Feinmechanik in view of Thompson device for the purpose of making the device less expensive and more portable.

10. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinmechanik (DE 719,969) in view of Thompson.

Regarding claim 1, Feinmechanik discloses a device for cutting flat objects, which can be held with the hands and is provided with: a driving motor unit (a) and a cutting tool unit, which at least comprises one cutting tool (m) being movable and drivable by said driving motor unit (a), and at least one further cutting tool (f), wherein said movable cutting tool (m) is movable relative to said

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further cutting tool (f), wherein the movement of a cutting edge of said movable cutting tool (m) corresponds to a closes pathway surrounding a finite area; wherein said at least one movable cutting tool (m) is held at an eccentric (x). Feinmechanik fails to disclose the eccentric is located closer to the cutting edge than the bearing axis. However, Thompson discloses a cutting device (10) wherein at least one movable cutting tool (18) is held rotatably and displaceable at a bearing axis (82) distant from the cutting edge of said movable cutting tool (18), and wherein said movable cutting tool (18) is also held at an eccentric (91) located closer to said cutting edge and allowing to drive said movable cutting tool (18). This arrangement creates a cutting action that is different from the Feinmechanik device. See col.4, lines 2-16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an eccentric located closer to the cutting edge than the bearing axis, as disclosed by Thompson, on the Feinmechanik device for the purpose of providing a particular cutting action.

Regarding claim 2, Feinmechanik discloses the cutting tool unit is detachable from the driving motor unit.

Regarding claim 3, Feinmechanik discloses a gear unit (b), via which said driving motor unit (a) can actuate said cutting tool unit, wherein said gear unit (b) is detachable from said driving motor unit (a) and from said cutting tool unit.

Regarding claim 4, Feinmechanik discloses the movable cutting tool (m) in said cutting tool unit is held by means of a balling bearing (x).

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Regarding claim 6, Feinmechanik discloses the cutting tools (f, m) are plain and slide along each other with their surfaces.

Regarding claim 7, Feinmechanik discloses at least said movable cutting tool (m) has a convexly curved cutting edge, which preferably is provided with teeth (z).

Regarding claim 8, Feinmechanik discloses the cutting tool unit during operation is transported along said flat object to be cut in consequence of friction between a cutting edge of said at least one movable cutting tool (m) and said flat object.

Regarding claim 9, Feinmechanik discloses the cutting device comprises two movable cutting tools (m) and a static cutting tool (f) being arranged between said movable cutting tools (m), wherein the device during the cutting process slidably engages with the bottom side of said flat object or is slidably supported thereupon via its static cutting tool (f).

Regarding claim 10, Feinmechanik does not appear to disclose the driving motor unit allows for continuous regulation of velocity of the operator. However, Thompson discloses the driving motor unit (21) allows for a continuous regulation of velocity by the operator. See the trigger (83). This allows the operator to cut at the best velocity for each cutting operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a motor that allows for continuous regulation of velocity, as disclosed by Thompson, for the purpose of allowing the operator to cut at the best velocity for each cutting operation.

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11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feinmechanik in view of Thompson as applied to claim 1 above, and further in view of McCullough. Feinmechanik in view of Thompson fail to disclose a temperature detection device. However, McCullough discloses a device for cutting flat objects which can be held with the hands that comprises a temperature detection device. The temperature detection device sends a signal that will stop the tool from operating and prevents damage. See col. 13, lines 8-16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a temperature detection device, as disclosed by McCullough, on the Feinmechanik in view of Thompson device for the purpose of preventing tool damage.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feinmechanik in view of Thompson as applied to claim 1 above, and further in view of Stolfa (4,682,416). Feinmechanik in view of Thompson fail to disclose the coupling of a common electrical drilling/screwing machine. Stolfa discloses a device for cutting flat objects comprising a movable blade (10) and a static blade (9), wherein the cutter and gear unit is designed to form a device by coupling to a common electrical drilling/screwing machine serving as a driving unit. See FIG 1. This would reduce the cost of the device because a consumer could supply his or her own drill. Also, this would make the device more portable. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to couple to an electrical drilling/screwing machine, as

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disclosed by Stolfa, on the Feinmechanik in view of Thompson device for the purpose of making the device less expensive and more portable.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eisenbraun (5,566,454), Dunning (5,901,447), Gaidjiergis et al (6,776,150 B2), and Piccolo (2,250,589) disclose cutting devices.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

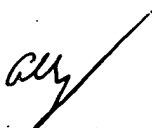
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CB

January 21, 2005



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